

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

EDWARD V. SHELL,

Petitioner,

vs.

RONALD RACKLEY, Warden,

Respondent.

CASE NO. 16cv2320-LAB (JLB)

ORDER ADOPTING REPORT AND RECOMMENDATION

15 The Court finds Judge Burkhardt's Report and Recommendation correct and adopts
16 it. Edward Shell failed to file timely objections, but the Court considered the issues he raised
17 in his extension motion [Dkt. 20] and finds them meritless. Fed. R. Civ. P. 72(b). Shell's
18 motion to expand the record and his petition for habeas relief is denied. [Dkt. 15 & 16]. Since
19 Shell hasn't "made a substantial showing of the denial of a constitutional right," the Court
20 denies him a certificate of appealability. 28 U.S.C. § 2253. The clerk shall enter judgment
21 and close the case.

IT IS SO ORDERED.

Dated: August 21, 2017

Larry A. Burns
HONORABLE LARRY ALAN BURNS
United States District Judge